APPENDIX

Statutes

Laws of 1833, chapter 279, section 3—

> Every mortgage filed in pursuance of this act shall cease to be valid as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof; unless, within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property thereby claimed by him by virtue thereof, shall be again filed in the office of the clerk of the town or city where the mortgagor shall then reside.

Laws of 1895, chapter 354

> Every mortgage filed in pursuance of this act shall cease to be valid as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless ***a statement describing such mortgage, stating the names of the parties, the time when and place where filed, and exhibiting the interest of the mortgagee in the property thereby claimed by him by virtue thereof, shall again be filed in the office of the clerk or register aforesaid of the town or city where the mortgagor shall then reside, if he is then a resident of the town or city where the mortgage or a copy thereof was last filed; if not such resident, but a resident of the state, a true copy of such mortgage, together with such statement, shall be filed in the office of the clerk or register aforesaid of the town or city where he shall then reside, and if not a resident of the state then such statement shall be filed in the office of the clerk or register of the city where the property so mortgaged was at the time of the execution of such mortgage.**

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*Words in boldface constitute new matter.

APPENDIX

Laws of 1897, Chap. 418, entitled, "An Act in relation to liens, constituting Chapter 49 of the General Laws".

Sec. 95. **Mortgage invalid after one year unless statement is filed.** A chattel mortgage, except as otherwise provided in this article, shall be invalid as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith, after the expiration of the first or any succeeding term of one year, unless

1. Within thirty days next preceding the expiration of each such term, a statement containing a description of such mortgage, the names of the parties, the time when and place where filed, the interest of the mortgagee or of any person who has succeeded to his interest in the property claimed by virtue thereof, or

2. A copy of such mortgage and its endorsements, together with a statement attached thereto or endorsed thereon, showing the interest of the mortgagee or of any person who has succeeded to his interest in the mortgage, is filed in the proper office. * * *

Lien Law now in effect.

Section 235—**Mortgage, invalid after one year, unless statement is filed.** A chattel mortgage, except as otherwise provided in this article, shall be invalid as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith, after the expiration of the first or any succeeding term of one year, **reckoning *from the time of the first filing*,* unless,

1. Within thirty days next preceding the expiration of each such term, a statement containing a description of such mortgage, the names of the parties, the time when and place where filed, the interest of the mortgagee or (1)any person who has succeeded to his interest in the property claimed by virtue thereof, or

2. A copy of such mortgage and its indorsements, together with a statement attached thereto or indorsed

*Words in italics new. All the rest of section same as section 95 of Laws of 1897.

(1) Word "of" in Law of 1897 omitted.

thereon, showing the interest of the mortgagee or of any person who has succeeded to his interest in the mortgage, is filed in the proper office. * * *

Section 232. **Where Filed.** * * * Every other chattel mortgage, or an instrument intended to operate as such, or a true copy thereof, must be filed in the town or city where the mortgagor, if a resident of the state, resides at the time of the execution thereof, and if not a resident, in the city or town where the property mortgaged is at the time of the execution of the mortgage. * * * In the city of New York, such instrument must be filed as follows, namely: In the Borough of Brooklyn in said city, such instrument shall be filed in the office of the register of the County of Kings; * * *

Section 233—**Filing and entry.** Such officers shall file every such instrument presented to them for that purpose, and indorse thereon its number and time of its receipt. They shall enter in a book or in a card index system, provided for that purpose, in separate columns, the names of all the parties to each mortgage so filed, arranged in alphabetical order, under the head of "mortgagors" and "mortgagees", the number of such mortgage or copy and the date of the filing thereof; and, if the mortgage be upon a craft navigating the canals, and filed in the office of the superintendent of public works, the name of the craft shall also be inserted. In the city of New York such officers shall in addition to the entry aforesaid enter in another book provided for that purpose a statement of the premises in which the chattels mortgaged are contained, arranged in alphabetical order, under the name of the street or avenue where the premises are situated and giving the number of such mortgage or copy and the date of the filing thereof. In case no street or avenue is mentioned in the description, in the mortgage or copy, of the premises in which the chattels are contained, then a statement of such premises shall be entered under the title "miscellaneous". Except in the city of New York such officers at the time of filing of such instrument shall, upon request, issue to the person filing the same a receipt in writing, which shall contain the names of the parties to the mortgage, its date, amount and the date and time of filing thereof.